UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.52
23 November 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

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CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 8, 9 AND 17

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GE.98-12355 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 8, 9 AND 17

Draft resolution under agenda item 8

Draft resolution E/CN.4/1998/L.76 (The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms).

1. Mr. LILLO (Chile), introducing the draft resolution on behalf of its 29 sponsors, said that was intended to achieve progress with regard to compensation by emphasizing the need to give increasing attention to the matter in conformity with resolutions adopted by the Commission since 1994. Two changes had been made in paragraph 2: the word "independent" in the second line and the words "at no additional cost to the regular budget" in the same line had been deleted, it being understood that the cost incurred would be financed out of extrabudgetary funds.

2. His delegation was happy to note that the draft was sponsored by a large number of delegations representing all regions of the world, and hoped that as in previous years, it would be adopted by consensus.

3. Mr. COMBA (Secretariat) said that, in the draft resolution under consideration, the Commission, requested the appointment of an expert to prepare a revised version of the draft basic principles and guidelines on the right to reparation for victims of violations of human rights and international humanitarian law. The amount that involved was provisionally estimated at US$ 8,800. As no appropriation was provided under that heading in the programme budget for 1998-1999, the activity would be financed out of existing resources.

4. Draft resolution E/CN.4/1998/L.76, as amended, was adopted.

Draft resolutions and decisions under agenda item 9

Draft resolution E/CN.4/1998/L.42 (Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region).

5. Mr. ALAEE (Islamic Republic of Iran), introducing the draft resolution on behalf of his country as well as Afghanistan, Australia, China, Cyprus, India, Japan, Jordan, New Zealand, Philippines, the Republic of Korea and Sri Lanka, said that the text before the Commission was the result of consultations among the various delegations concerned. Concise though it was, the draft fully reflected the results of activities carried out, and in particular the adoption of a framework for regional technical cooperation in the Asian and Pacific region and the Teheran Workshop conclusions on arrangements for the promotion and protection of human rights in the region. His delegation was confident that its adoption would help to accelerate the building of national human rights capacities and to promote cooperation among countries of the region. He hoped that, as in previous years, the draft resolution would be adopted without a vote.

6. Ms. KLEIN (Secretary of the Commission) announced that Bangladesh and Pakistan had joined the co-sponsors of the draft resolution.

7. Draft resolution E/CN.4/1998/L.42 was adopted without a vote.

Draft resolution E/CN.4/1998/L.52 (United Nations Decade for Human Rights Education)

8. Ms. THOMPSON (Costa Rica), introducing the draft resolution on behalf of the sponsors, said that it formed part of the action taken pursuant to General Assembly resolution 49/184 proclaiming the United Nations Decade for Human Rights Education. The sponsors had agreed to insert a new paragraph 9, which reproduced a paragraph of resolution 1997/43 and read as follows:

> "Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide human rights education including the rights of women for all United Nations personnel and officials;".

Her delegation was convinced of the fundamental importance of education in the field of human rights and hoped that the spirit of cooperation that had prevailed during the preparation of the draft would help the activities of the Decade to bring about the establishment of educational systems which contributed to full respect for human rights. She hoped that the Commission would adopt the draft resolution by consensus.

9. Ms. KLEIN (Secretary of the Commission) said that Australia, Austria, Bangladesh, the Democratic Republic of the Congo, the Former Yugoslav Republic of Macedonia, Greece, India, Mali, Norway, Sudan and Thailand had joined the sponsors of the draft resolution.

10. Draft resolution E/CN.4/1998/L.52, as amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.63 (Composition of the staff of the Office of the High Commissioner for Human Rights)

11. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, said that Sudan, Iraq, Mauritania and Saudi Arabia had joined the sponsors, bringing the total to 30.

12. The sponsors believed that the universality of human rights was founded upon due respect for the diversity of countries and systems. It was therefore most important that the composition of the staff of the Office of the High Commissioner for Human Rights should be in conformity with the principle of equitable geographical distribution. The previous year, his delegation had, in a spirit of compromise, agreed to defer the decision on the matter so as to give the departments concerned time to take corrective action. However, the report of the High Commissioner for Human Rights (E/CN.4/1998/52) showed that the desired balance had not been restored, the number of staff members from countries in the group of Western European and other States being 42 as against only 38 for all other regional groups. In view of that situation, the

draft resolution recalled that the criterion of high standards of efficiency, competence and integrity established in Article 101 of the Charter was compatible with the principle of equitable geographical distribution, stressed the need to pay particular attention to the recruitment of personnel from developing countries, and welcomed the High Commissioner's intention to ensure a good geographical balance between North and South.

13. Two amendments had been made in the text of the draft resolution. In the Spanish text, the word "alto" in paragraph 2 had been replaced by "alta", and the word "particularly" in paragraph 3 had been deleted. His delegation hoped that the draft resolution would be adopted by a large majority.

14. Mr. BAQUEROT (Director of the UNOG Administration Division) said that a review of some of the draft resolutions before the Commission showed an increasing tendency to deal with administrative, budgetary and especially human resources matters. As regards the latter, he drew the Commission's attention to General Assembly resolution 51/226 dealing, inter alia, with recruitment issues, including geographical distribution and junior professional officers. Those issues were dealt with by the General Assembly on a Secretariat-wide basis rather than piecemeal. In that connection, he recalled part B.VI of General Assembly resolution 45/248 on human resources management, in which the Assembly had reaffirmed that the Fifth Committee was the main committee entrusted with responsibilities for administrative and budgetary matters and expressed its concern at the tendency of its substantive committees to involve themselves in such matters.

15. Mr. REYES RODRIGUEZ (Cuba) said he was rather surprised by the statement just made by the Director of the Administration Division. The Secretariat had already had an opportunity to make known its point of view in document E/CN.4/1998/52 which, incidentally, had been submitted to the Commission only three days before the beginning of the debate on agenda item 9, a fact which had not failed to affect the quality of the proceedings. The Secretariat should confine itself strictly to its role and refrain from interfering in the work of the Commission. His delegation was fully aware of the nature of its duties; the point at related to essential principles which the States sponsoring the draft wished to recall. What was at stake was the right of all regions to be represented on an equal footing in the most important divisions of the Secretariat.

16. Mr. McALISTER (Canada), speaking in explanation of vote before the vote, said that certain parts of the draft resolution in many respects constituted interference in matters of personnel and resource management which did not fall within the purview of the Commission. In that connection, he assured the Secretary-General and the High Commissioner for Human Rights of his full support for the measures taken to improve the operation of the Office of the High Commissioner. The prerogatives of various United Nations organs were clearly defined and the Commission should not deal with matters within the jurisdiction of the General Assembly. For those reasons, his delegation would vote against the draft resolution. His statement also reflected the views of the Australian and New Zealand delegations.

17. Ms. GLOVER (United Kingdom) said that the delegations of the member States of the European Union would vote against the draft resolution. They

regretted not having been consulted on the text about which they had serious reservations. The draft attempted to reinterpret Article 101, paragraph 3 of the Charter, which set forth the standards for recruitment of Secretariat staff. The sponsors of the draft took no account of the fact that the principle of geographical distribution applied to the United Nations as a whole and tried to vest the Commission with powers which belonged exclusively to the Secretary-General. The Commission was not the executive body of the Office of the High Commissioner for Human Rights and could not dictate to it on staffing policy.

18. Mr. LOFTIS (United States of America) associated himself with the statements of the representatives of Canada and the United Kingdom.

19. Mr. REYES RODRIGUEZ (Cuba) said that it was quite understandable that those who occupied a privileged position in the Office of the High Commissioner for Human Rights should be anxious to preserve it.

20. At the request of the representative of Cuba, a vote was taken by roll-call.

21. Congo, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela;

Against: Austria, Belarus, Canada, Czech Republic, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Poland, Russian Federation, Ukraine, United Kingdom, United States;

Abstaining: Republic of Korea.

22. Draft resolution E/CN.4/1998/L.63 was adopted by 36 votes to 16, with 1 abstention.

Draft resolution E/CN.4/1998/L.64 (Human rights and terrorism)

23. Mr. MERIC (Observer for Turkey), introducing the draft resolution, said that it was the latest in a series of similar resolutions adopted by the Commission on Human Rights and the General Assembly. It was designed to condemn terrorism in all its forms and manifestations and to express the international community's serious concern at the gross violations of human rights perpetrated by terrorist groups. Terrorist activities constituted gross violations of human rights, since terrorists disregarded the most fundamental of all human rights, namely, the right to life. The decision of the Sub-Commission to carry out a comprehensive study on the subject of terrorism and human rights was to be welcomed.

24. The draft resolution also drew attention to the growing connection between terrorist groups and organized crime, as well as to the need to strengthen international cooperation, in particular through the United Nations. It highlighted the need to study further the role and responsibilities of non-State actors in the human rights sphere, particularly in cases where acts of terrorism occurred.

25. It went without saying that the draft resolution in no way challenged the right of peoples under colonial or foreign domination lawfully to exercise their inalienable right to self-determination. His delegation, together with the other sponsors, hoped that the draft resolution would be widely supported.

26. Ms. KLEIN (Secretary of the Commission) announced that India, Georgia and Bangladesh had also become sponsors of the draft resolution.

27. Mr. GOMEZ-ROBLEDO VERDUZCO (Mexico), speaking in explanation of vote before the vote, said that he could not subscribe to the draft resolution because it made no contribution to the struggle against the scourge of terrorism. His Government vigorously condemned all acts of terrorism and was determined to strengthen the mechanisms set up by the international community to eliminate such acts; it had recently participated in work on the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly at its fifty-second session. However, he could not agree with the thirteenth preambular paragraph of the draft, because he believed that violations of human rights could be imputed only to the State and its agents. Saying that terrorist groups could perpetrate human rights violations could lead to justification being claimed for human rights violations on the grounds of the struggle against terrorism.

28. Mr. SALINAS RIVERA (Chile) said that his delegation would abstain because it considered that human rights violations could be committed only by States. Crimes perpetrated by terrorists had to be punished under the criminal legislation of States.

29. Mr. PLORUTTI (Argentina) said his delegation would abstain from the vote because, in its view, the reference to violations of human rights perpetrated by terrorist groups attributed to those groups a status not conferred upon them by existing international law. Nevertheless, his delegation vigorously condemned all terrorist acts in all their forms and for whatever motive they might be committed, and regarded them as offences under the ordinary law which had to be firmly suppressed in order to preserve the rule of law.

30. The struggle against terrorism was primarily the responsibility of States, one of whose duties was not to support terrorist movements. It was also a matter for international cooperation. At the regional American level, cooperation was based on a number of important international instruments, such as that adopted at the Summit of the Americas held at Miami in 1994, the Buenos Aires Declaration on cooperation to prevent and eliminate international terrorism adopted in 1995, and the Declaration and Plan of Action on

hemispheric cooperation to prevent, combat and eliminate terrorism adopted by the Inter-American Conference on Terrorism held in Lima in 1996. Furthermore, his Government had organized the first International Congress on Terrorism, attended by eminent experts from the American continent, Europe and Asia, in Buenos Aires in December 1997.

31. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union (EU), said that it could not support the draft resolution. While it unequivocally condemned all acts and methods of terrorism, whatever they might be, it was of the opinion that the Sixth Committee was the forum best suited for a thorough examination of the question of terrorism. Terrorism was a threat to democracy and was unjustifiable. However, the activities of terrorist groups could not be invoked to justify human rights violations by any State. The EU welcomed the inclusion in the seventeenth preambular paragraph and in paragraph 5 of the draft of an unequivocal affirmation that all measures to counter terrorism must be in strict conformity with international human rights standards. It also welcomed the affirmation in paragraph 6 that cooperation at the regional and international levels had to be carried out in accordance with relevant international instruments. Nonetheless, it had serious reservations about some other parts of the draft, in particular the thirteenth preambular paragraph and paragraph 8. It could not agree with the assertion that terrorist activities as such constituted violations of human rights. The distinction between acts which were attributable to States and criminal acts which were not was an important one, and the thirteenth preambular paragraph did not, in the European Union's view, confer on terrorists any status under international law.

32. Ms. CHATSIS (Canada) said that her delegation strongly condemned all acts of terrorism and actively promoted international action to combat all such acts. There was a significant body of international law which addressed terrorist acts. In the autumn of 1997, the General Assembly had, on a proposal of the Sixth Committee, adopted the International Convention for the Suppression of Terrorist Bombings, as well as a general resolution aimed at combating terrorism. Such action was more effective in fighting terrorism than any resolution the Commission might adopt. Her delegation was unable to support the draft resolution, which contained the assertion that terrorist groups were responsible for gross violations of human rights. Terrorists committed crimes and had to be brought to justice. Even if acts of terrorism could have serious effects on the enjoyment of human rights, Governments alone had international human rights obligations.

33. Mr. LOFTIS (United States) said that his country remained deeply committed to the international effort to combat terrorism. However, his delegation believed that the proper forum for discussing terrorism and human rights was the Sixth Committee. It could see no reason for the Commission to enter a field in which another United Nations body was already extensively engaged. Such duplication of efforts could only complicate the work in progress. Furthermore, the draft resolution granted terrorists a measure of legitimacy by equating their criminal conduct with that of State actors who violated human rights. For all those reasons, his delegation would abstain from the vote on the draft resolution.

34. Mr. SUMI (Japan) said that his delegation unequivocally condemned all acts and practices of terrorism and supported international cooperation in the fight against such acts. However, it would abstain on the draft resolution before the Commission as it had some difficulty with the thirteenth preambular paragraph.

35. At the request of the representative of the United States, a vote was taken on the draft resolution.

36. Draft resolution E/CN.4/1998/L.64 was adopted by 33 votes to none, with 20 abstentions.

Draft resolution E/CN.4/1998/L.65 (Human rights and arbitrary deprivation of nationality)

37. Ms. RYKOV (Russian Federation), introducing the draft resolution, recalled that the Universal Declaration of Human Rights in its article 15, as well as other international human rights instruments, proclaimed that no one could be arbitrarily deprived of his or her nationality. Deprivation of nationality was an especially serious violation of human rights because it affected the exercise of many other human rights. Every human being needed a nationality in order to be a fully-fledged member of society. The draft resolution was motivated by the fact that arbitrary deprivation of nationality had given rise to many problems and a great deal of discriminatory treatment in the past few decades.

38. Both the International Court of Justice and the Inter-American and European Courts of Human Rights had had occasion to rule on the question of nationality; according to those rulings States were required, in the exercise of their discretionary power, to respect their obligations in the field of human rights and to take into account the existence of a real link between a territory and its population. In drafting the text under consideration, the Russian delegation had proceeded on the basis of regional instruments such as the Inter-American Convention on Human Rights, the African Charter on the Rights and Welfare of the Child, the Helsinki Final Act and the European Convention on Nationality. It was important to recall, on the fiftieth anniversary of the Universal Declaration, that possession of a nationality was an essential precondition for the full exercise of human rights. She hoped that the draft resolution would be adopted by consensus.

39. Ms. KLEIN (Secretary of the Commission) announced that Colombia, Belarus and Nicaragua had also become sponsors of the draft resolution.

40. Draft resolution E/CN.4/1998/L.65 was adopted without a vote.

Draft resolution E/CN.4/1998/L.67 (Human rights and mass exoduses)

41. Ms. DION (Canada), introducing the draft resolution, said that it reaffirmed the need to intensify cooperation in worldwide efforts to address mass exoduses of refugees and displaced persons and the problems resulting therefrom; emphasized the responsibility of all States and international

organizations to cooperate with countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons; called upon States to ensure effective protection of refugees; and requested the High Commissioner for Human Rights to pay particular attention to human rights situations which caused or threatened to cause mass exoduses or displacements of populations. The sponsors hoped that the draft resolution would be adopted by consensus.

42. Ms. KLEIN (Secretary of the Commission) announced that Tunisia, Austria, Greece, Japan, Uruguay and Norway had also become sponsors.

43. Draft resolution E/CN.4/1998/L.67 was adopted without a vote.

Draft resolution E/CN.4/1998/L.68 (Internally displaced persons)

44. Mr. STROHAL (Austria), introducing the draft resolution, said that the existence of a large number of internally displaced persons was a serious problem which essentially affected women and children. The activities undertaken by the representative of the Secretary-General appointed to deal with the question were to be welcomed. The following changes to the text had been agreed by the sponsors: in paragraph 1, the words "with appreciation" in the first line should be deleted and the words "presented by the representative of the Secretary-General" added at the end of the paragraph; in paragraph 2, the word "Commends" at the beginning of the paragraph should be replaced by the words "Expresses its appreciation to"; in paragraph 3, the word "also" should be inserted between the words "Expresses" and "its appreciation" in the first line; at the end of paragraph 5, the words "and to make use of them in their activities on behalf of internally-displaced persons" should be deleted; in paragraph 6 (English text), the word "Encourages" should be replaced by the words "Notes the stated intention of" and the words "and requests him to report to the Commission on his efforts and on the views expressed to him" added; paragraph 7 should be deleted; in the old paragraph 11 (new paragraph 10), the words "and takes note of the publication of a comprehensive study by him" at the end of the paragraph should be deleted. The sponsors hoped that the draft resolution, thus amended, would be adopted without a vote.

45. Ms. KLEIN (Secretary of the Commission) said that the following States had expressed the wish to become sponsors: Peru, Portugal, Netherlands, Zambia, Australia, Lithuania, South Africa, Uruguay, United States of America, Russian Federation, Canada, Belgium, Luxembourg, Costa Rica and Angola.

46. Mr. GOMEZ-ROBLEDO VERDUZCO (Mexico) said that his delegation would not oppose the draft resolution under consideration but wished to place on record its reservations with regard to paragraph 1. Given the importance of the subject, it was regrettable that the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53), which included a study of the legal aspects of protection against arbitrary displacement and Guiding Principles relating to internal displacement of persons, had been distributed only on 6 April although it was dated 11 February 1998. As a result, his delegation was not in a position to comment on the report, and still less on the Guiding Principles. It would be recalled that General Assembly resolution 41/120 invited Member States and

United Nations bodies to bear in mind a series of guidelines in developing international instruments in the field of human rights and specified that such instruments should, inter alia, attract broad international support and be consistent with the existing body of international human rights law. Those guidelines had been reaffirmed by the World Conference on Human Rights. His delegation therefore reserved the right to comment at a later stage on the Guiding Principles drawn up by the representative of the Secretary-General.

47. Mr. BAKHEIT (Sudan) expressed his appreciation to the representative of the Secretary-General on internally displaced persons. The matter was of the greatest seriousness as it concerned some 25 million people throughout the world. He supported the draft resolution and hoped that the mandate of the representative of the Secretary-General would be extended.

48. Mr. COMBA (Secretariat) informed the Commission of the financial implications of the draft resolution, which recommended the appointment of the representative of the Secretary-General for a further three years. An appropriation of $126,300 was included for that purpose in chapter 22 of the programme budget for the biennium 1998-1999. The necessary resources for the third year of the mandate would be included in the draft programme budget for 2000-2001.

49. Draft resolution E/CN.4/1998/L.68, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.69 (Integrating the human rights of women throughout the United Nations system)

50. Ms. MLACAK (Canada), introducing the draft resolution on behalf of its sponsors, said that paragraph 7 had been replaced by the following:

> "Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to regularly and systematically take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;"

51. Ms. KLEIN (Secretary of the Commission) said that the following States had also become sponsors of the draft resolution: Afghanistan, Angola, Argentina, Brazil, former Yugoslav Republic of Macedonia, France, Germany, Greece, Guatemala, India, Lithuania, Philippines, Slovenia, South Africa, United Kingdom, Venezuela and Zambia.

52. Mr. COMBA (Secretariat), referring to the organization of a further meeting of experts on the development of guidelines for the integration of a gender perspective into human rights activities and programmes recommended in paragraph 9 of the draft resolution, said that document E/CN.6/1998/2/Add.1 mentioned in the note by the Secretariat (E/CN.4/1998/49/Add.1) indicated that the Division for the Advancement of Women would mobilize the necessary

extrabudgetary resources. The draft resolution, if adopted, would therefore have no financial implications under the regular budget for the biennium 1998-1999.

53. Draft resolution E/CN.4/1998/L.69, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.70 (The elimination of violence against women)

54. Ms. MLACAK (Canada), introducing the draft resolution, said that the text, which referred inter alia to violence in the family and in the community and violence as perpetrated and/or condoned by the State as well as to the problem of female genital mutilation had commanded a great deal of interest and cooperation on the part of a large number of delegations. She therefore hoped that, like the resolutions on the same subject in previous years, it would be adopted by consensus.

55. Ms. KLEIN (Secretary of the Commission) said that the following States had also became sponsors of the draft: Afghanistan, Angola, Argentina, Brazil, former Yugoslav Republic of Macedonia, France, Greece, Haiti, Iceland, Philippines, Republic of Korea, Slovenia, South Africa, Togo, United Kingdom, Uruguay and Venezuela.

56. Mr. HERNANDEZ OUESADA (Cuba) said his country associated itself with the efforts being made within the United Nations system to combat violence against women, inter alia within the framework of the mandate of the Special Rapporteur on that issue, and was therefore prepared to join the consensus on the draft resolution. However, if the draft were put to the vote, his delegation would be unable to approve paragraphs 7 and 15 which, in its view, mixed up several separate mandates with the effect of politicizing the work of the Commission.

57. Mr. HOEYNCK (Germany) thanked the Canadian delegation for producing a text which reflected the consensus on the issue and, in some parts, also tried to point the way ahead. Germany had, in the general debate, informed the Commission about measures it had taken to counter negative developments, such as trafficking in women and violence against women, and had expressed itself in favour of including a separate item on gender issues in the Commission's agenda. So far as asylum was concerned, Germany's policy was fully in line with paragraph 9 (i), which called upon States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices. His delegation therefore supported the important draft resolution under consideration.

58. Draft resolution E/CN.4/1998/L.70 was adopted without a vote.

Draft resolution E/CN.4/1998/L.72 (Impunity)

59. Ms. CHATSIS (Canada) said that the aim of the sponsors of the draft she was introducing was to address the subject in a forward-looking rather than a retrospective manner. They had no intention of embarking on a debate on sensitive questions that were already being addressed in a fully democratic fashion in countries which had successfully concluded difficult transitions to

democracy and full respect for human rights. Their object was, rather, to make it known to the perpetrators of serious violations of fundamental human rights and humanitarian law that they would be held accountable. That would help to end the cycle of violations and impunity. The draft proposed that the report submitted by the Special Rapporteur, Mr. Louis Joinet, pursuant to the Sub-Commission's decision 1996/119 (E/CN.4/Sub.2/1997/20/Rev.1), which contained a number of important principles, should be communicated to States, international organizations and non-governmental organizations, which should be invited to make their views thereon known to the Commission at its next session. States were also invited to provide information on any measures taken to combat impunity and to provide assistance and cooperation in that area to other States at their request.

60. A few changes had been made in the text by the sponsors. First, a new preambular paragraph reading as follows:

> "Recalling the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights,"

had been inserted after the first preambular paragraph. In the fourth preambular paragraph (which thus became the fifth), the words "ensure that awareness of them guides" had been replaced by the word "guide". In the next paragraph, the words "a central element" had been replaced by the words "one of the central elements", and in the last preambular paragraph, the words "urgent need to establish" had been replaced by the words "importance of establishing". In paragraph 1, the word "urgent" in the third line had been replaced by "necessary".

61. Her delegation hoped that the draft resolution, which was important to all Governments and non-governmental organizations participating in the work of the Commission, would be adopted by consensus.

62. Ms. KLEIN (Secretary of the Commission) said that the following States had also become sponsors of the draft resolution: Australia, Austria, Bosnia and Herzegovina, Czech Republic, Denmark, Ethiopia, former Yugoslav Republic of Macedonia, France, Georgia, Guatemala, Haiti, Netherlands, New Zealand and Norway.

63. The CHAIRMAN said that the draft resolution had no financial implications.

64. Draft resolution E/CN.4/1998/L.72, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.74 (Towards a culture of peace)

65. Mr. LAGOS PIZZATI (El Salvador), introducing the draft resolution, said that the promotion of a culture of peace was fundamental to ensuring respect for human rights and recalled that, in addressing the present session, the Director-General of UNESCO had said that the best way for everyone to

celebrate the fiftieth anniversary of the Universal Declaration of Human Rights was to work untiringly towards the replacement of a culture of war and violence by a culture of peace. By adopting the proposed draft, the international community would demonstrate its attachment to that cause.

66. Ms. KLEIN (Secretary of the Commission) said that Angola, Georgia, Israel, Malta, Nepal and Tunisia had also become sponsors of the draft resolution.

67. Draft resolution E/CN.4/1998/L.74 was adopted without a vote.

Draft resolution E/CN.4/1998/L.75 (National institutions for the promotion and protection of human rights)

68. Mr. CONROY (Observer for Australia), introducing the draft resolution, said that one of the most important new elements in the draft was the reference to statements by the High Commissioner for Human Rights that the work on national institutions would be a high priority for her Office. Another key element of the resolution was that it encouraged States to establish effective, independent and pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of such institutions annexed to General Assembly resolution 48/134. The draft also welcomed the strengthening of regional and international cooperation among national human rights institutions. The sponsors hoped that the draft resolution would be adopted by consensus.

69. Ms. KLEIN (Secretary of the Commission) said that Angola, Costa Rica, Georgia, Israel, Norway, Russian Federation, Sri Lanka and Togo had also become sponsors.

70. The CHAIRMAN said that the draft resolution would have no financial implications.

71. Mr. MAJDI (Morocco) said that the French text of the eighth preambular paragraph was an incomplete rendering of the original English and should be rectified.

72. Draft resolution E/CN.4/1998/L.75 was adopted without a vote.

Draft resolution E/CN.4/1998/L.77/Rev.1 (Fiftieth anniversary of the Universal Declaration of Human Rights)

73. Mr. JAKUBOWSKI (Poland) said that the draft he was introducing on behalf of the sponsors was the result of extensive consultations among a great number of delegations, and therefore hoped that it would be adopted by consensus. The difference between it and the draft in document E/CN.4/1998/L.77 consisted in the insertion of a new sixth preambular paragraph.

74. Ms. KLEIN (Secretary of the Commission) said that the names of all delegations sponsoring the draft would be duly recorded in the report of the Commission.

75. Mr. REYES RODRIGUEZ (Cuba) said that, in view of the flexibility shown by the sponsors, his delegation wished to withdraw its draft resolution E/CN.4/1998/L.26 and to join the sponsors of the draft under consideration.

76. Mr. HAMIDON (Malaysia) said that, without dissociating itself from the consensus, his delegation would have preferred to see the operative part of the draft resolution mention the need to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights. It was clear that the international community had not achieved the Universal Declaration's objectives, in particular as regards economic cooperation and the realization of economic, social and cultural rights. Such a formulation would also have been in conformity with the consensus text adopted by the General Assembly in its resolution 52/117.

77. Mr. IDRIS (Sudan) associated himself with the comments of the representative of Malaysia.

78. Draft resolution E/CN.4/1998/L.77/Rev.1 was adopted without a vote.

Draft decision 7 of the Sub-Commission recommended to the Commission for adoption in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 (Freedom of movement and population transfer)

79. Draft decision 7 recommended to the Commission by the Sub-Commission in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 was adopted.

Draft decision 8 proposed by the Sub-Commission to the Commission in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 (Study concerning the right to freedom of movement)

80. The CHAIRMAN said that the draft was superseded by the adoption of draft decision E/CN.4/1998/L.48.

Draft decision 9 of the Sub-Commission recommended to the Commission for adoption in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 (Human rights and terrorism)

81. Mr. SINGH (India) said that the study on the question of human rights and terrorism proposed by the Sub-Commission was both important and timely. There were differences of perception regarding how best to address the problem of terrorism and even whether terrorism constituted a violation of human rights, some delegations preferring purely legalistic approaches based on the position that it was only States that violated human rights. Some progress had been made on those issues at Vienna, where it had been recognized that acts, methods and practices of terrorism were activities aimed at the destruction of human rights. Article 30 of the Universal Declaration of Human Rights contained the injunction that no group or person had any right to engage in any activity aimed at the destruction of the rights set forth in the Declaration. Terrorist acts violated the most fundamental right of all, the right to life, and also infringed many other rights. The question of the responsibility of individuals or groups who comprised non-State actors was already being discussed in the context of violence against women, the rights of the child, and the international criminal tribunal. Much work still had to

be done to clarify all aspects of the complex issue of human rights and terrorism. The Sub-Commission was best placed to undertake a detailed study of the subject which he hoped would help to build up an international consensus. His delegation therefore hoped that the Commission would approve the Sub-Commission's recommendation.

82. Mr. COMBA (Secretariat), referring to the financial implications of the appointment for three years of a new Special Rapporteur to conduct a comprehensive study on terrorism and human rights, said that the necessary resources were preliminarily estimated at $51,600 for 1998-1999 and $41,300 for the year 2000. Costs that could not be funded from existing resources already budgeted for travel and staff support for the Sub-commission would be included in the final programme budget implications statement to be submitted to the next session of the Economic and Social Council. The estimated resources for the year 2000 would be included in the proposed programme budget for 2000-2001.

83. At the request of the representative of the United States, a vote was taken on draft decision 9.

84. At the request of the representative of India, the vote was taken by roll-call.

85. Australia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: None.

Abstaining: Argentina, Austria, Canada, Czech Republic, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Mexico, Poland, Ukraine, United Kingdom, United States of America.

86. Draft decision 9 of the Sub-Commission recommended to the Commission for adoption in document E/CN.4/1998/2-E/CN.4/1997/50 was adopted by 37 votes to none with 16 abstentions.

Draft resolutions under agenda item 17

Draft resolution E/CN.4/1998/L.44 (Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights).

87. Mr. HUTH (Germany), introducing the draft resolution on behalf of its sponsors, said that advisory services in the field of human rights had become a pillar of United Nations human rights structures. He congratulated the

Office of the High Commissioner for Human Rights on the quality and range of the services provided despite an overall lack of necessary resources, and commended the Board of Trustees of the Voluntary Fund for Technical Cooperation for its dedication. In paragraph 8 of the draft resolution, the Commission welcomed the enhanced cooperation between the Office of the High Commissioner for Human Rights and UNDP, as well as the Secretary-General's request to the High Commissioner to formulate proposals for improving complementarity of technical assistance provided in the sphere of human rights. Deploring the fact that activities relating to advisory services and technical cooperation in the human rights field were financed largely through voluntary contributions, the sponsors of the draft resolution emphasized in paragraph 10 the need for an increase in the allocation of resources to those activities from the regular United Nations budget. They considered it particularly important to expand the range of donors, and stressed that even modest contributions were welcome. The sponsors hoped that the draft resolution would be adopted by consensus.

88. Ms. KLEIN (Secretary of the Commission) announced that the following States had also become sponsors of the draft resolution: Belarus, Brazil, Cape Verde, Cyprus, Dominican Republic, Greece, Guatemala, Hungary, Japan, Mongolia, Norway, Peru, Republic of Korea, Romania, Togo, Tunisia, Ukraine.

89. Mr. SINGH (India) said it was essential to maintain the identity of advisory services and technical cooperation programmes as distinct from programmes relating to monitoring and field missions, bearing in mind that all three aspects were now handled by the same branch of the Office of the High Commissioner for Human Rights. The primary purpose of the technical cooperation programmes was to help countries in strengthening the institutions of democracy and the rule of law; the logic of the programmes therefore flowed from a developmental approach to human rights quite distinct from the approach to mandates relating to monitoring. National capacity-building was essential for lasting progress in the enjoyment of human rights, and States should be encouraged to seek the technical cooperation offered by the Office of the High Commissioner. His delegation was disappointed that the suggestions it had made in the light of those considerations during the consultations had not been accommodated, and therefore regretted that it was unable to continue as a sponsor of the draft resolution.

90. Mr. LEPATAN (Philippines) associated himself with the Indian delegation's remarks.

91. The CHAIRMAN said that the adoption of draft resolution E/CN.4/1998/L.44 would have no financial implications.

92. Draft resolution E/CN.4/1998/L.44 was adopted without a vote.

Draft resolution E/CN.4/1998/L.51 (Situation of human rights in Haiti)

93. Mr. RODRIGUEZ CEDENO (Venezuela), introducing the draft resolution on behalf of its sponsors, said that it had been prepared as a result of consultations held within the "Group of friends of Haiti", composed of Argentina, Canada, Chile, France, the United States and Venezuela, in

collaboration with Haiti. The draft was essentially an update of the text adopted at earlier sessions prepared in the light of the report of the Commission's independent expert.

94. Haiti was gripped by a permanent economic crisis compounded since June 1997 by political instability due to the absence of agreement on the appointment of a Prime Minister. It continued to suffer from the shortcomings of the judicial system, the police apparatus and the penitentiary system which were obviously having a negative impact on human rights. The draft resolution therefore emphasized the need for the Government of Haiti, in cooperation with the international community, to take specific steps to cope with that situation and to overcome the deadlock created with regard to the appointment of the Prime Minister. Furthermore, in view of the persistence and seriousness of the problem of violence against women, the draft resolution once again invited the Special Rapporteur on the subject to visit Haiti. Such a visit could, it seemed, be arranged in the autumn of 1998 or early in 1999. The draft resolution's sponsors hoped that it would be adopted by consensus.

95. Ms. KLEIN (Secretary of the Commission) announced that Bolivia, Denmark, Ecuador, Honduras, Japan, Senegal, Sweden and the United States of America had also become sponsors of the draft resolution.

96. The CHAIRMAN said that there were no financial implications.

97. Draft resolution E/CN.4/1998/L.51 was adopted without a vote.

Draft resolution E/CN.4/1998/L.66 (Assistance to Somalia in the field of human rights)

98. Mr. TOSCANO introduced the draft resolution on behalf of its sponsors, who had been joined by Australia, Bulgaria, Canada, Cyprus, Denmark, France, Gabon, Japan, New Zealand and Norway. Having already had occasion to comment on the spirit and content of the draft resolution in his statement before the Commission on 9 April 1998, he would simply express the hope that the draft should be adopted by consensus. He also wished to reaffirm the need, referred to in paragraph 3 (c), for all parties in Somalia to assume full responsibility for the protection of international personnel and of representatives of non-governmental organizations operating in the country, and to express the hope that the serious episode of the kidnapping of ICRC personnel and of airline pilots which had occurred at Mogadiscio Airport on 15 April would be resolved positively and without delay.

99. The CHAIRMAN said that the adoption of the draft resolution would have no financial implications.

100. Draft resolution E/CN.4/1998/L.65 was adopted without a vote.

Draft resolution E/CN.4/1998/L.71 (Situation of human rights in Cambodia)

101. Ms. KERR (Australia), introducing the draft resolution on behalf of the sponsors, said that it was the result of extensive consultations. It welcomed the visit to Cambodia in January 1998 of the High Commissioner for Human Rights, the agreement by the Government of Cambodia to extend the mandate of

the office in Phnom Penh of the High Commissioner for Human Rights, and the role of the United Nations in the Cambodian elections. It also called upon Member States to contribute to the election process.

102. The following amendments to the draft had been agreed by the sponsors: in paragraph 8, the words "for the armed forces to remain neutral" should be added after the words "from intimidation" in the fourth line; the words "and their unfettered resumption of political activity" should be added at the end of paragraph 9; and paragraph 10 should be amended to read as follows:

> "Welcomes the decision by the Secretary-General to accept the invitation from the Government of Cambodia for the United Nations to play a coordinating role in the international observation of elections scheduled for 26 July;";

moreover, paragraph 15 should be amended to read as follows:

> "Expresses appreciation to the Government and people of Thailand for the humanitarian assistance to displaced persons from Cambodia; welcomes the role of United Nations agencies in the repatriation of refugees and displaced persons; and calls on the Government of Cambodia to ensure their full reintegration into Cambodian society and political life, and, in particular, to exercise its best efforts to enable their participation in the forthcoming election;".

103. Ms. KLEIN (Secretary of the Commission) announced that Canada, Denmark, Finland, France, Germany, Ireland, New Zealand, Norway and the United States of America had also become sponsors of the draft resolution.

104. Mr. TARMIDZI (Indonesia), speaking on behalf of the ASEAN member delegations, said he wished to offer some comments on the present situation in Cambodia, bearing in mind, on the one hand, the role played by ASEAN in the process restoring peace and stability in that country and, on the other hand, the fact that the process currently found itself at a delicate stage. First, he wished to inform the Commission that the ASEAN Troika on Cambodia, composed of the foreign ministers of Indonesia, the Philippines and Thailand, would be meeting in Bangkok on 18 April to review recent developments and to confer with the "Friends of Cambodia". The Troika would also seek an audience with Prince Sihanouk to demonstrate its recognition and support for the vital role played by him in fostering national reconciliation in Cambodia.

105. The establishment of a legal framework in conformity with international standards for multi-party elections, the announcement of a separate and unilateral ceasefire by the parties to the conflict, the royal amnesty granted to Samdech Norodom Ranariddh, as well as the latter's safe, albeit brief, return to the country represented positive developments of a kind that could contribute to some extent to the process of free, fair and credible elections. However, several important issues remained to be settled, including the conclusion of a permanent ceasefire, the reintegration of the Royal Cambodian Armed Forces in the regular armed forces, the repatriation of Cambodian displaced persons from Thailand, and preparations for the elections to be held on 26 July 1998. The ASEAN member countries encouraged the United Nations to continue its assistance to the electoral process. For their part, they would

continue to do their best to contribute towards the restoration of peace and political stability in Cambodia and hoped that the Commission would adopt the draft resolution by consensus.

106. Mr. COMBA (Secretariat) informed the Commission that the appointment of the group of experts envisaged in paragraph 20 of the draft resolution would have financial implications. The total cost of the group's activities was estimated at $46,400. As no expenditure had been included under that heading in the programme budget for 1998-1999, the Secretary-General would examine the possibility of financing their activities through extrabudgetary resources. If that were not possible, the necessary resources would be included in the programme budget implications statement to be submitted to the Economic and Social Council at its next session.

107. Draft resolution E/CN.4/1998/L.71, as orally amended, was adopted without a vote.

The meeting rose at 5.35 p.m.